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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 BILLY CEPERO,

16 Plaintiff,

vs.

DOUGLAS GILLESPIE et al.,

Defendants.

Case No. 2:11-cv-01421-JAD-NJK

**STIPULATION AND ORDER TO
CONTINUE TRIAL**

ECF No. 245

(SIXTH REQUEST)

17 Plaintiff Billy Cepero (“Plaintiff”) and Defendant James Bonkavich (“Defendant,” and
 18 together with Plaintiff, the “Parties”), by and through their respective counsel, submit this
 19 Stipulation and Order to continue the trial currently scheduled for June 27, 2023. The Parties
 20 request that the Court continue the trial to September 26, 2023, or as soon thereafter as is convenient
 21 for the Court.

22 The Parties submit that good cause exists to grant this stipulation.

23 As the Court knows, Mr. Cepero was transferred from High Desert State Prison to Lovelock
 24 Correctional Center (“Lovelock”) in November 2022 for the purpose of undergoing certain medical
 25 procedures relating to his injuries. During that time, his counsel was largely unable to meaningfully
 26 communicate with Mr. Cepero, as unlike High Desert, the staff at Lovelock Correctional Center
 27 has indicated that they do not allow the arrangement of scheduled phone calls between counsel and

1 inmates. Counsel was therefore only able to speak to Mr. Cepero in short, 10-minute increments
2 when he is able to call, and these calls cannot be scheduled in advance.

3 Within the last several weeks, Mr. Cepero was transferred from Lovelock Correctional
4 Center to Ely State Prison. While his counsel tried to get further information about the purpose of
5 this transfer and how it would affect Mr. Cepero's May 18 parole board hearing, the prison staff
6 refused to disclose the information to counsel.

7 Recently, Mr. Cepero was transferred back to High Desert State Prison where he is believed
8 to be awaiting his rescheduled parole hearing this month. Given this development, counsel believes
9 it will be far less difficult to schedule meetings to prepare for trial. Moreover, if Mr. Cepero is
10 granted parole this month as his counsel believes he will, he is expected to be released from prison
11 by August. A trial date after his release from prison will significantly alleviate the burden of
12 preparing for trial by meeting Mr. Cepero in prison and will eliminate the need for the Court to
13 arrange to have him transferred to Las Vegas to attend trial.

14 For the reasons outlined above, the Parties stipulate and agree to continue the trial to the
15 Court's September 26, 2023 trial stack, or as soon thereafter as is convenient for the Court.

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1 The Parties agree to the continuance requested herein.

2 IT IS SO STIPULATED.

3 Dated: June 5, 2023

Dated: June 5, 2023

4 SNELL & WILMER L.L.P.

MARQUIS AURBACH CHTD.

5 By: /s/ Dawn L. Davis

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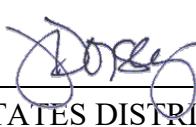
13 *Attorneys for Defendant James Bonkavich*

14 **ORDER**

15 **IT IS ORDERED** that the jury trial in this matter is continued from June 27, 2023,
16 to November 14, 2023 at 9:00 a.m.

17 **IT IS FURTHER ORDERED** that the calendar call is continued from June 20, 2023 to
18 November 6, 2023 at 1:30 p.m.

19 **IT IS FURTHER ORDERED** that all trial briefs, proposed voir dire, proposed jury
20 instructions, exhibit lists and witness lists are due by noon on November 6, 2023.

21 
22 UNITED STATES DISTRICT JUDGE

23 DATED: June 6, 2023.